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June 14, 1996

HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Re: **CC Docket No. 92-297**
28 GHz Spectrum Band Plans

Dear Mr. Caton:

The undersigned parties ("LMDS Parties") are writing to express their support for the 28 GHz spectrum band plan Option 4 Prime (see attached chart). As potential LMDS service providers, investors, and equipment manufacturers, the LMDS Parties have a strong mutual interest in ensuring that the service meets the needs and expectations of American consumers.

The LMDS Parties believe there are four fundamental principles that should guide the Commission's 28 GHz band plan decision.

- First, the band plan must enable LMDS multichannel video program delivery, telephony, and interactive data communication, including high speed Internet connections. Without *all* of these capabilities, much of the promise of LMDS would be lost.[1]

- Second, all of these LMDS capabilities must be available at competitive prices to American homes, businesses, and schools.[2]

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[1] Further, these capabilities are expected by the Commission. The FCC press release accompanying the Third NPRM in this proceeding announced that "LMDS is a fixed microwave service that will offer two-way video communications, including video distribution, teleconferencing, telemedicine, and data services." FCC *News*, CC Docket 92-297, July 13, 1995.

[2] For example, the same FCC press release said that LMDS "can be used to provide immediate competition to franchised cable television operators." *Id.* Such competition is impossible, of course, if the service cannot be offered at competitive prices.

- Third, the Commission must resolve its proceeding to allocate the 28 GHz band as soon as possible. Of all the services that are proposed for the band, LMDS is the closest to actual implementation. Provision of LMDS to Americans should no longer be delayed while other countries, using U.S. LMDS technology, already are finalizing their implementation plans.

- Finally, LMDS, a service that will be licensed through auction, should not be fettered for the sole benefit of satellite services, such as the GSO/FSS, in which corporations are slated to receive spectrum and orbital slot assignments for free. Such a policy would be unfair, fiscally unsound (because it would depress LMDS auction prices), and contrary to the wishes of Congress.[3]

For the foregoing reasons, the LMDS Parties urge the FCC to adopt Option 4 Prime as soon as possible. This option supports interactive service at competitive prices, can be written into rules -- based on LMDS return links sharing with TRW's Odyssey system and true GSO/FSS gateways -- without delay, and would enable a viable, valuable LMDS. In contrast, the other options currently being considered by the Commission would either eliminate interactivity, make it significantly more expensive, or cause more delay in this proceeding.

Respectfully submitted,

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[3] In a resolution adopted just last month, the U.S. Senate urged the FCC to "act expeditiously and without further delay to conduct auctions in a manner that maximizes revenue, increases efficiency, and enhances competition for any service [like LMDS] for which auction revenues have been scored by the Congressional Budget Office and/or counted for budgetary purposes in an Act of Congress." H.R. Conf. Rep. No. 104-612, 104th Cong. 2d Sess. § 421 (1996).

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Jane Mago
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OPTION 4' (4 prime)

UPLINK BAND (27.5 - 30.0 GHz)

LMDS (h-to-s) (s-to-h) fss	GSO/FSS ngso/fss	WRC-97	NGSO/FSS gso/fss	MSS F.L. TRW Motorola	MSS F.L. TRW LMDS (h-to-s) (s-to h) GSO/FSS (gateways)	MSS F.L. GSO/FSS	GSO/FSS ngso/fss
850 MHz	250 MHz	100 MHz	400 MHz	140 MHz	135 MHz	125 MHz	500 MHz
27.5	28.35	28.60	28.70	29.10	29.24	29.375	29.50	30.00

At 29.24 - 29.375 GHz LMDS and MSS feeder link sharing using FI's proposed rules.

Motorola and TRW sharing rules same as Options 2 and 3.

TRW and GSO/FSS sharing rules same as Options 2 - 4.

Use of 29.24 - 29.375 GHz band by GSO/FSS is limited to gateways.

Gateways are earth stations limited in number, generally larger and easier to coordinate than user terminals

Technical parameters and Coordination procedures need to be developed for sharing between LMDS and GSO/FSS gateways.

DOWNLINK BAND (17.7 - 20.2 GHz)

GSO/FSS ngso/fss	WRC-97	NGSO/FSS gso/fss	MSS F.L. gso/fss	GSO/FSS
1100 MHz	100 MHz	400 MHz	400 MHz	500 MHz
17.7	18.80	18.90	19.30	19.70	20.20

Notes:

17.7 - 17.8 GHz band is allocated to BSS feeder links in the Earth-to-space direction.

17.7 - 19.2 GHz band is allocated to FS on a co-primary basis with satellite services.

18.6 - 18.8 GHz band is allocated to EES - FSS pfd limit @ earth's surface of -101 dBW/m2 in a 200 MHz band for all angles of arrival.**

In the 19.7 - 20.2 GHz and 29.5 - 30.0 GHz bands FSS is co-primary with MSS.